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Attorneys for Defendant Apollo Group, Inc.

UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF  
CALIFORNIA

CHAD MCKINNEY, an individual,  
Plaintiff,

v.

APOLLO GROUP, INC.,  
UNIVERSITY OF PHOENIX, a  
Corporation, MECHELLE  
BONILLA, an Enrollment Manager  
at UNIVERSITY OF PHOENIX,  
KYAN FLYNN, Director of  
Enrollment at UNIVERSITY OF  
PHOENIX, APRIL ALCORN, an  
Employees Relations Consultant at  
UNIVERSITY OF PHOENIX,  
CARLYN LINDSTEN, Associate  
Director of Enrollment at  
UNIVERSITY OF PHOENIX,

Defendants.

CASE NO. 07-CV-2373 WQH CAB

**APOLLO GROUP, INC.'S NOTICE  
OF NON-OPPOSITION TO  
MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT, OR, IN  
THE ALTERNATIVE, MOTION  
FOR MORE DEFINITE  
STATEMENT**

**[FRCP 12(b)(2); 12(b)(5); 12(b)(6);  
12(e).]**

Date: April 7, 2008  
Time: 11:00 a.m.  
Courtroom: 4  
Judge: Hon. William Q. Hayes

DATE OF FILING: December 19, 2007

1 Defendant Apollo Group, Inc., (“Apollo”) (erroneously sued as Apollo  
2 Group, Inc., University of Phoenix, a Corporation), through undersigned counsel  
3 Snell & Wilmer L.L.P., hereby submits this Notice of Non-Opposition to its Motion  
4 to Dismiss plaintiff Chad McKinney’s (“McKinney”) Complaint, Or in the  
5 Alternative, For More Definite Statement (“Motion to Dismiss”), stating as follows:

6 1. Apollo filed and served its Motion to Dismiss on March 7, 2008.

7 2. Pursuant to Local Civil Rule 7.1e 2, the last day for McKinney to file  
8 and serve an opposition to Apollo’s Motion to Dismiss was March 24, 2008.

9 3. As of today, McKinney has wholly failed to respond or otherwise  
10 object to Apollo’s Motion to Dismiss.

11 4. Pursuant to Local Civil Rule 7.1 f 3 c, and based on the foregoing,  
12 Apollo respectfully requests the Court grant its Motion to Dismiss against  
13 McKinney.

14 Date: May 8, 2008

SNELL & WILMER L.L.P.

15  
16 By: s/Nathan W. Hicks  
17 Christy Joseph  
18 Nathan W. Hicks  
19 Attorneys for Apollo Group, Inc.

20 8778947

**PROOF OF SERVICE**

**McKinney v. Apollo Group, Inc., et al.  
USDC, Southern – Case No. 07-CV-2373**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California 92626-7689.

On May 8, 2008, I served, in the manner indicated below, the foregoing document described as **APOLLO GROUP, INC.'S NOTICE OF NON-OPPOSITION TO MOTION TO DISMISS PLAINTIFF'S COMPLAINT, OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT** on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

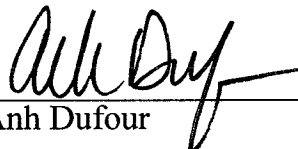
I am employed in the office of a member of the bar of this court at whose direction the service was made.

**Please See Attached Service List**

- ☐ BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Costa Mesa, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested to (C.C.P. § 1013(a)).
- ☐ BY FACSIMILE: (C.C.P. § 1013(e)(f)) and by e-mail
- ☒ BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees. (C.C.P. § 1013(c)(d)).
- ☐ BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the offices of the addressees. (C.C.P. § 1011(a)(b)).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 8, 2008, at Costa Mesa, California.

  
\_\_\_\_\_  
Anh Dufour

**SERVICE LIST****McKinney v. Apollo Group, Inc., et al.  
USDC, Southern – Case No. 07-CV-2373**

Chad McKinney 6266 Madeline Street, Apt. #61 San Diego, CA 92115	Plaintiff, Pro Se  Tel: (619) 634-3566
United States District Court Attention: Hon. Judge William Q. Hayes Courtroom 4 940 Front Street, Room 4290 San Diego, CA 92101-8900	Courtesy Copy  Tel: (619) 557-5600